

JEFFREY M. SHOHET, Bar No. 067529
jeffrey.shohet@dlapiper.com
BROOKE KILLIAN KIM, Bar No. 239298
brooke.kim@dlapiper.com
AMANDA FITZSIMMONS, Bar No. 258888
amanda.fitzsimmons@dlapiper.com
DLA PIPER LLP (US)
401 B Street, Suite 1700
San Diego, CA 92101-4297
Tel: 619.699.2700
Fax: 619.699.2701

GEOFFREY M. EZGAR, Bar No. 184243
gezgar@kslaw.com
KING & SPALDING LLP
101 Second Street
Suite 2300
San Francisco, CA 94105
Telephone: 415.318.1200
Facsimile: 415.318.1300

Attorneys for Defendant
Myriad Group AG

LESLEY E. KOTHE, Bar No. 209512
lesley.kothe@oracle.com
ORACLE AMERICA, INC.
500 Oracle Parkway
Redwood City, CA 94065
Tel: 650.506.5200
Fax: 650.506.7114

[Additional Counsel Appear on Signature Pages]

Attorneys for Plaintiff
Oracle America, Inc.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

ORACLE AMERICA, INC.,

Plaintiff,

v.

MYRIAD GROUP AG,

Defendant.

CASE NO. 10-CV-5604-SBA

**STIPULATION AND REQUEST TO
CONFIRM THE VACATION OF THE
COURT'S JANUARY 17, 2012 ORDER, OR
TO VACATE IT NOW**

1 WHEREAS on January 17, 2012 the Court issued an Order Granting Oracle America,
 2 Inc.'s ("Oracle") Motion for Preliminary Injunction (the "Injunction") enjoining Myriad Group
 3 AG ("Myriad") from taking certain steps relating to the arbitration, entitled *In the Matter of the*
 4 *Arbitration Act 1996 In the matter of an Arbitration in London, England Under the UNCITRAL*
 5 *Arbitration Rules Administered by the American Arbitration Association's International Centre*
 6 *for Dispute Resolution Between Myriad Group AG and Oracle America, Inc.*, (ICDR Case No. 50
 7 117 T 00545 11), (hereinafter the "Arbitration") (Dkt. 69);

8 WHEREAS, the Court entered an order on February 6, 2012, pursuant to a stipulation of
 9 the parties, staying the arbitration and the litigation in this Court pending the outcome of
 10 Myriad's appeal;

11 WHEREAS, pursuant to this Court's order of February 6, 2012, the stay of the arbitration
 12 and the litigation was lifted on August 31, 2013, and either party was at that point "free to pursue
 13 all appropriate courses of action, subject to further orders of the respective courts or arbitrator."

14 WHEREAS, Oracle has contended that this Injunction is still in force because the Court
 15 has not entered a "further order" lifting its injunction¹;

16 WHEREAS, Myriad contends that this Injunction is no longer in force, *inter alia*,²
 17 because the Court entered a further order stating that the stay of the arbitration was lifted on
 18 August 31, 2013; at that point Myriad was free to pursue any appropriate course subject to further
 19 order of the court or arbitrator; and the arbitrator has issued further orders concerning the conduct
 20 of the arbitration with which Myriad is complying (Dkt. 73);

21 WHEREAS, the Arbitration is under the administration of the American Arbitration
 22 Association's International Centre for Dispute Resolution, and the Sole Arbitrator presiding over
 23 the Arbitration has entered orders concerning the timetable and procedures for certain aspects of
 24 the Arbitration;

25 /////

26 _____
 27 ¹ Oracle does not concede that the parties' stipulation, which the Court entered as an order on February 6, 2012,
 constitutes a "further order" lifting the injunction.

28 ² Myriad contends that there are other reasons why the injunction was lifted but because the parties agree that the
 injunction either has been lifted or should be lifted now, it is not necessary to set all such reasons out in detail.

THE PARTIES HEREBY STIPULATE as follows:

1. The parties jointly request an order from this Court confirming that the Injunction has been vacated or, if it has not been vacated, vacating it now.

Dated: March 28, 2014

Dated: March 28, 2014

DLA PIPER LLP (US)

KING & SPALDING LLP

By: /s/ Jeffrey M. Shohet
JEFFREY M. SHOHET
BROOKE KILLIAN KIM
AMANDA FITZSIMMONS

By: /s/ Brian A. White
GEOFFREY M. EZGAR
SCOTT T. WEINGAERTNER
BRIAN A. WHITE
TIMOTHY J. SULLIVAN

Attorneys for Plaintiff
Oracle America, Inc.

Attorneys for Defendant
Myriad Group AG

ORDER

PURSUANT TO STIPULATION,

IT IS SO ORDERED.

Date: 4/1/2014


Hon. Sandra Brown Armstrong
U.S. District Court